



November 26, 2014

CD14-0265

Mr. Rusty Lundberg
Director
Utah Division of Radiation Control
195 North 1950 West
Salt Lake City, Utah 84114-4850

Re: Request for extension on public comment period for new proposed rule, R313-37,
"Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material"

Dear Mr. Lundberg:

EnergySolutions has considered the subject proposed rule regarding the Physical Protection of Byproduct Material and requests the Utah Radiation Control Board grant an extension of the public comment period for the proposed new rule, R313-37, from December 1, 2014 to January 12, 2015.

On June 12, 2014 the Nuclear Energy Institute (NEI) filed a petition to the U.S. Nuclear Regulatory Commission (NRC) requesting that they amend their regulations on the Physical Protection of Byproduct Material, 10 CFR 37 *et al.*, to "remove unnecessary and burdensome requirements on licensees with established physical security programs." More specifically, NEI requested that the rule be amended to clarify and expand the exemptions in 10 CFR 37.11. One specific request is to add a new exemption, §37.11(d), to include large components and material stored in robust structures, which could affect the physical protection requirements at the Clive Facility. The petition was docketed by the NRC on July 17, 2014 (Docket No. PRM-37-1) and the NRC is requesting comments on the petition for rulemaking. By extending your comment period to January 12, 2015, the Utah Radiation Control Board will align the comment period of the new proposed rule, R313-37, with the comment period for the petition for rulemaking.

EnergySolutions supports the views provided by NEI and plans to provide comments to the NRC supporting these amendments, as well as adding additional recommendations. By granting an extension to the comment period for R313-37, EnergySolutions will be able to include its comments on the petition for rulemaking, which we believe will be useful to the Utah Radiation Control Board for its rulemaking for R313-37.

The final rulemaking for Part 37 requires Agreement States to issue compatible requirements within 3 years of the publication date of the final rule, that is, March 19, 2016. In the interim licensees will maintain secure operations through the Orders currently in place. By granting an extension of the R313-37 comment period, the Utah Radiation Control Board will remain in



compliance with the implementation timeline required by the NRC and benefit from comments on the petition for rulemaking.

We appreciate your consideration to extend the comment period. Questions regarding these comments may be directed to me at (801) 649-2109 or dshrum@energysolutions.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel B. Shrum".

Daniel B. Shrum
Senior Vice President
Regulatory Affairs



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

December 1, 2014

Daniel B. Shrum
Senior Vice President, Regulatory Affairs
EnergySolutions, LLC
423 South 300 West, Suite 200
Salt Lake City, Utah 84101

RE: Request for Extension on Public Comment Period

Dear Mr. Shrum:

We have received and reviewed your letter (CD14-0265), dated November 26, 2014, concerning the public comment period for a new rule, R313-37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material* (DAR No. 155666). You asked that the comment period be extended from December 1, 2014 to January 12, 2015 and you provided background information to support this request.

Please know that I have determined that an extension is appropriate and your request is hereby approved. However, I have determined that the comment period will close on Friday, January 9, 2015 instead of Monday, January 12, 2015. This period will allow Division of Radiation Control staff time to assemble information for the Board meeting that is scheduled for Tuesday, January 13, 2015.

If you have any questions, please call me at (801) 536-4257.

Sincerely,

Rusty Lundberg, Director

